

**ORDINANCE NO. 20080821-046**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1403 MORGAN LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO NEIGHBORHOOD OFFICE-MIXED USE-CONDITIONAL OVERLAY (NO-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT TWO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2008-0082, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district.

A 0.204 acre tract of land, more or less, out of Lot 14, Banister Heights Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From family residence (SF-3) district and limited office (LO) district to general office-conditional overlay (GO-CO) combining district.

A 0.295 acre tract of land, more or less, out of Lot 14, Banister Heights Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 1403 Morgan Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The following uses are prohibited uses of Tract One:

Bed and breakfast residential (Group 1)      Bed and breakfast residential (Group 2)

B. The following uses are prohibited uses of Tract Two:

Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Administrative and business offices	Art gallery
Art workshop	Business or trade school
Business support services	Commercial off-street parking
Personal services	Printing and publishing
Professional office	Restaurant (limited)
Software development	Special use historic
Urban farm	Club or lodge
College and university services	Communication service facilities
Community recreation (private)	Community recreation (public)
Congregate living	Counseling services
Cultural services	Guidance services
Hospital services	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Residential treatment	Safety services
Medical offices (exceeding 5000 sq. ft. gross floor area)	
Medical offices (not exceeding 5000 sq. ft. gross floor area)	

C. Vehicular access from Tract Two to Morgan Lane is prohibited. All vehicular access to Tract Two shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts, the mixed use (MU) combining district, and other applicable requirements of the City Code.

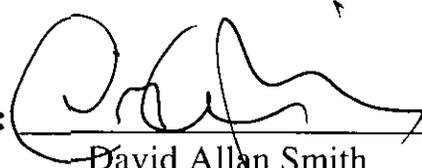
**PART 3.** This ordinance takes effect on September 1, 2008.

**PASSED AND APPROVED**

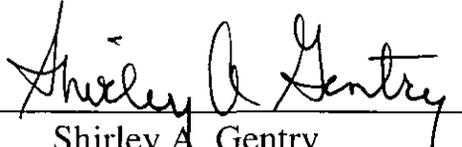
\_\_\_\_\_ August 21 \_\_\_\_\_, 2008      §  
   §  
   §



Will Wynn  
Mayor

**APPROVED:** 

David Allan Smith  
City Attorney

**ATTEST:** 

Shirley A. Gentry  
City Clerk

EXHIBIT A

**HOLT CARSON, INC.**

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

May 7, 2008

FIELD NOTE DESCRIPTION OF 0.204 ACRE OR 8,916 SQUARE FEET OF LAND PROPOSED FOR REZONING OUT OF LOT 14, BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 256 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT CONVEYED TO PHILIP C. FRIDAY BY DEED RECORDED IN DOCUMENT NO. 2007143817 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron pipe found in the south right-of-way line of Morgan Lane at the north common corner of Lots 13 and 14, Banister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 3 Page 256 of the Plat Records of Travis County, Texas, and being at the north common corner of that certain tract conveyed to Karl Hausmann by deed recorded in Document No. 2006070311 of the Travis County Official Public Records and that certain tract conveyed to Philip C. Friday by deed recorded in Document No. 2007143817 of the Travis County Official Public Records, and being the northwest corner and PLACE OF BEGINNING of the herein tract proposed for rezoning, and from which a 1/2 inch iron rod found at the northwest corner of said Lot 13 bears N 59 deg. 16' 04" W 174.07 ft.

THENCE with the south right-of-way line of Morgan Lane, S 59 deg. 16' 34" E 87.12 ft. to a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." at the northeast corner of said Friday tract, and being the northwest corner of that certain tract conveyed to Wilbern Areland Scott as recorded in Volume 7706 Page 535 of the Deed Records of Travis County, Texas, and being the northeast corner of this tract, and from which a 3/4 inch iron pipe found bears N 82 deg 51' E 0.37 ft ;

THENCE leaving the south right-of-way line of Morgan Lane and crossing the interior of said Lot 14 with the common line of said Friday tract and said Scott tract, S 30 deg. 00' 33" W 101.00 ft. to a calculated point at the southeast corner of this tract, and from which a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." in the south line of said Lot 14, and being in the north line of Lot 3B, Resubdivision of Part of Lots 1, 2, & 3, Bannister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 19 Page 82 of the Plat Records of Travis County, Texas, and being at the southwest corner of said Scott tract, and being at an angle point of said Friday tract, bears S 30 deg. 00' 33" W 148.96 ft.;

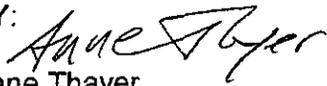
page 2 of 2  
0.204 Acre

THENCE crossing the interior of said Friday tract along a chain link fence, N 61 deg. 03' 11" W 87.13 ft. to a calculated point in the common line of said Lots 13 and 14, and being in the west line of said Friday tract, and being at the southwest corner of this tract, and from which a ½ inch iron rod found at the common south corner of said Lots 13 and 14, bears S 30 deg. 00' 32" W 146.23 ft.;

THENCE with the common line of said Lots 13 and 14, N 30 deg. 00' 32" E 103.70 ft. to the Place of Beginning, containing 0.204 Acre of land.

Prepared May 7, 2008 from survey performed February 7, 2007

BY:



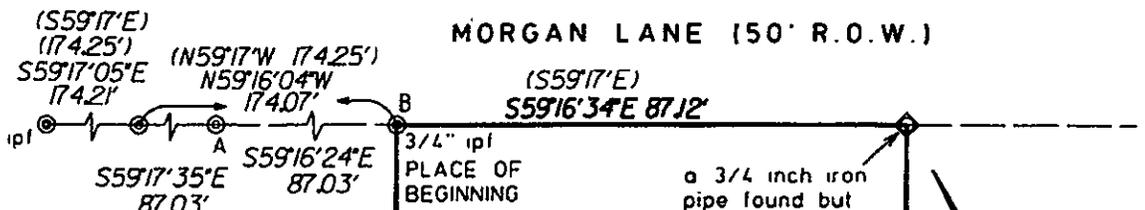
Anne Thayer

Registered Professional Land Surveyor No. 5850

see accompanying sketch C777110a

REFERENCES  
TCAD Parcel 04 0609 01 32  
City Grid: G19





SCALE 1"=20'

**LEGEND**

- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 1/2" Iron Pipe Found
- ⊗ Calculated Point
- 1/2" Iron Rod Set with Plastic Cap Marked "Holt Carson, Inc."
- Texas Department of Transportation Brass Cap Found In Concrete (Record Bearing and Distance)

**REFERENCES**

TCAD Parcel. 04 0609 01 32  
City Grid G19

SKETCH TO ACCOMPANY  
FIELD NOTES TO 0.204 ACRE  
OR 8,916 SQUARE FEET OF LAND  
PROPOSED FOR REZONING OUT OF  
LOT 14, BANISTER HEIGHTS, A  
SUBDIVISION IN TRAVIS COUNTY,  
TEXAS, ACCORDING TO THE MAP  
OR PLAT THEREOF RECORDED IN  
VOLUME 3 PAGE 256 OF THE PLAT  
RECORDS OF TRAVIS COUNTY,  
TEXAS, AND BEING A PORTION OF  
THAT CERTAIN TRACT CONVEYED  
TO PHILIP C. FRIDAY JR. BY DEED  
RECORDED IN DOCUMENT  
NO. 2007143817 OF THE OFFICIAL  
PUBLIC OF THE TRAVIS COUNTY, TEXAS.

Karl Haussmann  
(east 1/2 of Lot 13)  
Document  
No 2006070311

N30°00'32"E 10370'

S30°00'33"W 10100'

S30°00'33"W 249.96'

Wilbern Areland Scott  
(east 87 12' of Lot 14)  
Volume 7706 Page 535

0.204 Acre or  
8,916 square feet  
proposed for rezoning

**BANISTER  
HEIGHTS  
VOLUME 3  
PAGE 256**

Philip C Friday, Jr  
Document No 2007143817



PREPARED May 7, 2008 from survey  
performed February 7, 2007

*Anne Thayer*  
Anne Thayer

Registered Professional Land Surveyor No 5850

RESUBDIVISION OF PART OF  
LOTS 1, 2, & 3, BANNISTER HEIGHTS  
VOLUME 19 PAGE 82

**HOLT CARSON, INC.**  
1904 FORTVIEW ROAD AUSTIN, TX 78704  
(512) 442-0990

C777110a

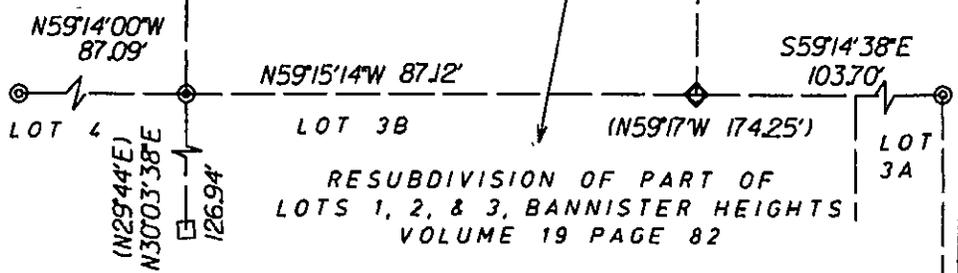


EXHIBIT B

**HOLT CARSON, INC.**

1904 FORTVIEW ROAD

AUSTIN, TX 78704

TELEPHONE: (512) 442-0990

FACSIMILE: (512) 442-1084

May 7, 2008

FIELD NOTE DESCRIPTION OF 0.295 ACRE OR 12,860 SQUARE FEET OF LAND PROPOSED FOR REZONING OUT OF LOT 14, BANISTER HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 3 PAGE 256 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT CONVEYED TO PHILIP C. FRIDAY BY DEED RECORDED IN DOCUMENT NO. 2007143817 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for reference at a 3/4 inch iron pipe found in the south right-of-way line of Morgan Lane at the north common corner of Lots 13 and 14, Banister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 3 Page 256 of the Plat Records of Travis County, Texas, and being at the north common corner of that certain portion of said Lot 13 which was conveyed to Karl Haussmann by deed recorded in Document No. 2006070311 of the Travis County Official Public Records and that portion of said Lot 14 which was conveyed to Philip C. Friday by deed recorded in Document No. 2007143817 of the Travis County Official Public Records, and from which a 1/2 inch iron rod found at the northwest corner of said Lot 13 bears N 59 deg. 16' 04" W 174.07 ft.

THENCE leaving the south right-of-way line of Morgan Lane with the common line of said Lots 13 and 14, being the west line of said Friday tract, S 30 deg. 00' 32" W 103.70 ft. to a calculated point at the northwest corner and PLACE OF BEGINNING of the herein tract proposed for rezoning;

THENCE crossing the interior of said Lot 14 and said Friday tract along a chain link fence, S 61 deg. 03' 11" E 87.13 ft. to a calculated point in the common line of said Friday tract and that portion of said Lot 14 which was conveyed to Wilbern Areland Scott as recorded in Volume 7706 Page 535 of the Deed Records of Travis County, Texas, and being the northeast corner of this tract, and from which a 1/2 inch iron rod set with plastic cap marked "Holt Carson, Inc." in the south right-of-way of Morgan Lane at the north common corner of said Friday tract and said Scott tract bears N 30 deg. 00' 33" E 101.00 ft. ;

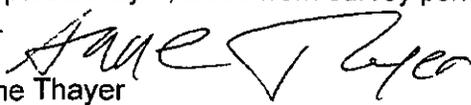
page 2 of 2  
0.295 Acre

THENCE continuing across the interior of said Lot 14 with the common line of said Scott tract and said Friday tract, S 30 deg. 00' 33" W 148.96 ft. to a ½ inch iron rod set with plastic cap marked "Holt Carson, Inc." in the south line of said Lot 14, and being in the north line of Lot 3B, Resubdivision of Part of Lots 1, 2, & 3, Bannister Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 19 Page 82 of the Plat Records of Travis County, Texas, and being at the southwest corner of said Scott tract, and being at an angle point of said Friday tract, and being the southeast corner of this tract, and from which a ½ inch iron rod found at the northeast corner of Lot 3A of said Resubdivision of Part of Lots 1, 2, & 3, Bannister Heights, and being at an angle point of said Friday tract bears S 59 deg. 14' 38" E 103.70 ft.;

THENCE with the common line of said Lots 14 and 3B, N 59 deg. 15' 14" W 87.12 ft. to a ½ inch iron rod found at the south common corner of said Lots 13 and 14, and Lot 4 of said Banister Heights and being at an angle point in the west line of said Friday tract, and being the southeast corner of said Haussmann tract, and being the southwest corner of this tract, and from which a ½ inch iron rod found at the southwest corner of said Haussman tract bears N 59 deg. 14' 00" W 87.09 ft.

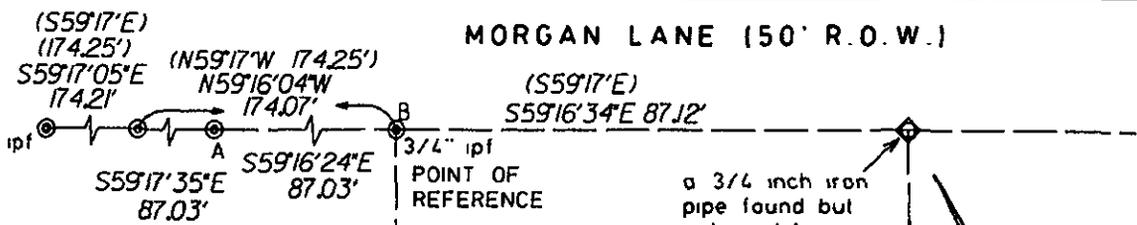
THENCE with the common line of said Lots 13 and 14, N 30 deg. 00' 32" E 146.23 ft. to the Place of Beginning, containing 0.295 Acre of land.

Prepared May 7, 2008 from survey performed February 7, 2007  
BY.

  
Anne Thayer  
Registered Professional Land Surveyor No. 5850  
see accompanying sketch C777110b



REFERENCES  
TCAD Parcel 04 0609 01 32  
City Grid: G19



SCALE 1"=20'

**LEGEND**

- ⊙ 1/2" Iron Rod Found
- ipf ⊙ 1/2" Iron Pipe Found
- ⊕ Calculated Point
- ⊠ 1/2" Iron Rod Set with Plastic Cap Marked "Holt Carson, Inc."
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**REFERENCES**

TCAD Parcel 04 0609 01 32  
City Grid G19

Karl Haussmann  
(east 1/2 of Lot 13)  
Document  
No 2006070311

LOT 13

PLACE OF BEGINNING

S6°03'11"E 87.13'

chain link fence

N30°00'33"E 101.00'

S30°00'33"W 249.96'

Wilbern Areland Scott  
(east 87 12' of Lot 14)  
Volume 7706 Page 535

**BANISTER HEIGHTS  
VOLUME 3  
PAGE 256**

Philip C Friday, Jr  
Document No 2007143817

0.295 Acre or  
12,860 square feet  
proposed for rezoning

(N30°00'E 250.01)  
N30°00'32"E 249.93'  
N30°00'32"E 146.23'

S30°00'33"W 148.96'

SKETCH TO ACCOMPANY  
FIELD NOTES TO 0.295 ACRE  
OR 12,860 SQUARE FEET OF LAND  
PROPOSED FOR REZONING OUT OF  
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OR PLAT THEREOF RECORDED IN  
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RECORDS OF TRAVIS COUNTY,  
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THAT CERTAIN TRACT CONVEYED  
TO PHILIP C. FRIDAY JR. BY DEED  
RECORDED IN DOCUMENT  
NO. 2007143817 OF THE OFFICIAL  
PUBLIC OF THE TRAVIS COUNTY, TEXAS.



PREPARED May 7, 2008 from survey  
performed February 7, 2007

*Anne Thayer*  
Anne Thayer

Registered Professional Land Surveyor No 5850

N59°14'00"W 87.09'

N59°15'14"W 87.12'

S59°14'38"E 103.70'

(N29°44'E)  
N30°03'38"E  
126.94'

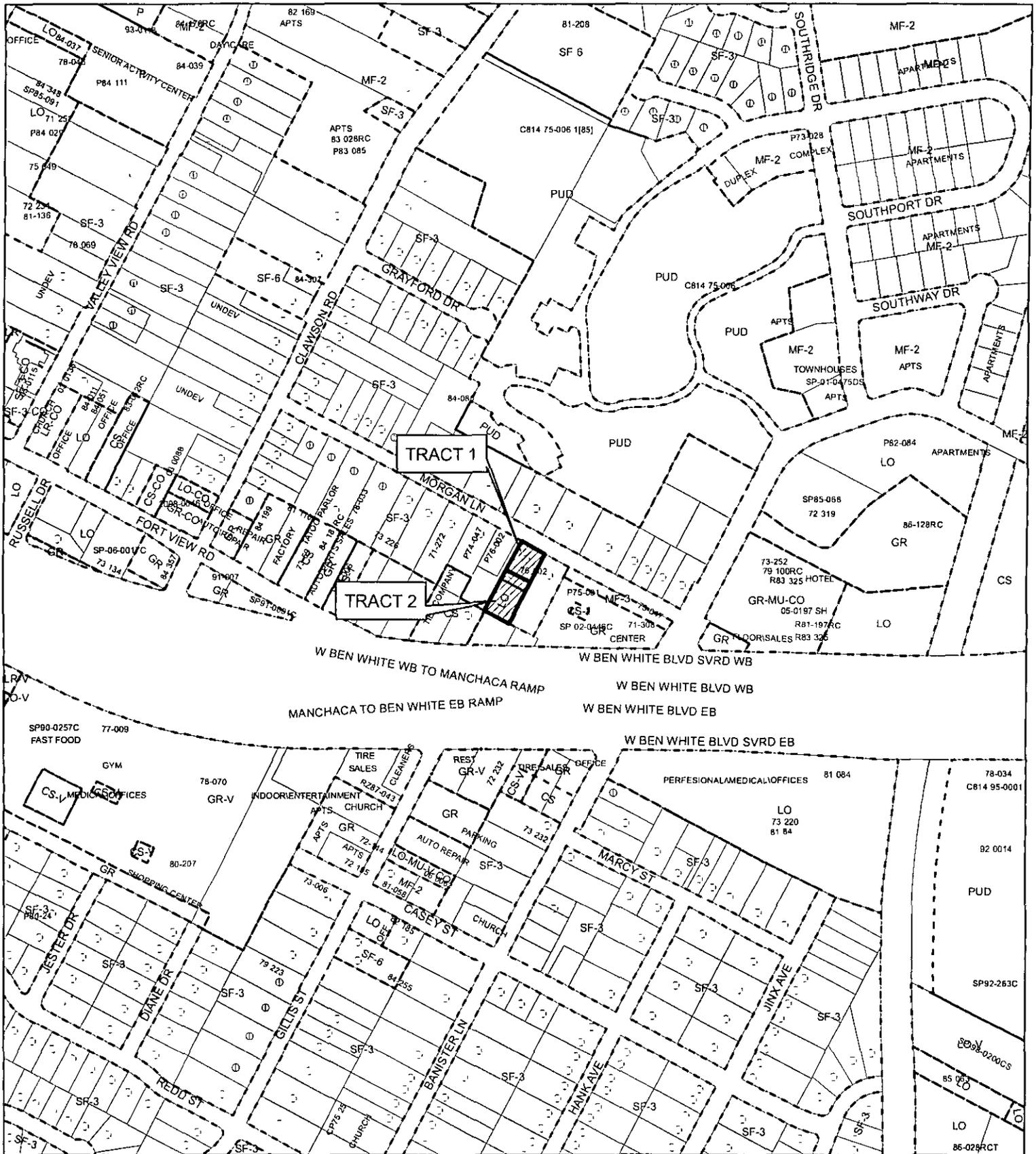
LOT 3B (N59°17'W 174.25')

LOT 3A

RESUBDIVISION OF PART OF  
LOTS 1, 2, & 3, BANNISTER HEIGHTS  
VOLUME 19 PAGE 82

**HOLT CARSON, INC**  
1904 FORTVIEW ROAD AUSTIN, TX 78704  
(512) 442-0990

C777110b



ZONING *EXHIBIT C*



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE# C14-2008-0082  
 ADDRESS 1403 MORGAN LANE  
 SUBJECT AREA 0.5 ACRES  
 GRID G19  
 MANAGER R. LEVINSKI



OPERATOR S MEEKS

1" = 400'

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.